

## REMARKS

Claims 1-12 are pending in the application, with Claims 1 and 7 being the independent claims. Claims 1, 2, 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al. (U.S. Pub. 2002/0193118). Claims 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view of Choi (U.S. Patent 6,295,452). Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view of Einola (U.S. Pub. 2005/0009518). Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain in view of Kim et al. (U.S. Pub. 2002/0141349).

Claim 1 recites a method for determining a target noise rise over thermal noise (ROT) for a target cell in a radio network controller (RNC) in a CDMA (Code Division Multiple Access) mobile communication system where ROTs in cells measured by each of a plurality of Node Bs within a coverage area of the RNC are maintained equal to or less than target ROTs for the cells. The method comprises the steps of receiving a measurement ROT for the target cell from a Node B that controls the target cell; adjusting a target ROT for target cell according to a relation between the measurement ROT and the target ROT for the target cell; and transmitting the adjusted target ROT to the Node B.

However, in Jain, it is indicated in paragraph [0021], lines 18-21, that “an access network is a base station”, and in paragraph [0038], lines 1-5, that Jain relates to “an outerloop method for an access network and the outerloop refers to the process of adjusting the threshold”. It is also clearly described in paragraph [0038], lines 10-11, that “the desired threshold is determined by the access network”.

As described above, it is clear that the process of adjusting the threshold is for determining the desired threshold in an access network, namely the base station. Therefore, the element of determining the desired threshold in Jain is different from the feature of deciding a target noise rise over thermal, as recited in Claim 1.

Additionally, Jain describes in paragraph [0039] lines 1-5, that “the access network compares the measured metric such as ROT to the outerloop threshold and if the measured metric is greater than the outerloop threshold, the congestion bit is set, else the congestion bit is cleared”. That is to say, Jain clarifies that it is in the access network that the measured metric is compared to the outerloop threshold, and the congestion bit is set or cleared accordingly. In contrast, Claim 1 of the present application recites adjusting the target ROT according to the ROT measurement.

Further, Jain describes in paragraph [0038], lines 11-15, that “the access network measures a congestion metric, namely, a measure of the ROT function, where ROT is defined as the ratio of the total power received to the thermal noise”. However, Jain does not disclose transmitting the measured congestion metric to the RNC. Moreover, Claim 1 recites transmitting the adjusted target noise rise over thermal noise to a Node B. Jain does not disclose this element.

Claim 7 similarly recites, in part, an apparatus for determining a target noise ROT noise for a target cell in a CDMA mobile communication system which includes a radio network controller (RNC) for receiving ROTs, adjusting the target ROT for the target cell according to a relation between the ROTs and the preset target ROT for the target cell, and transmitting the adjusted target ROT to the Node B.

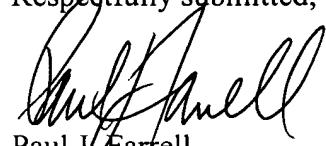
The Examiner asserts that Jain teaches each and every element of Claim 7. However, Jain does not specifically teach a radio network controller and the role that the radio network controller plays with respect to ROT. Claim 7 clearly recites the role that the RNC plays in receiving the ROTs, adjusting the target ROT and transmitting the adjusted ROT to the Node B. However, the respective roles played by the RNC and the Node B in determining the target noise ROT are not taught in Jain. Neither the sections of Jain, referenced by the Examiner, nor any other sections, disclose the recitations of Claim 7 with respect to the RNC. Further, Jain does not teach transmitting the adjusted target ROT to a Node B.

Because Jain does not teach each and every element of Claims 1 and 7, Claims 1 and 7

are not anticipated by Jain. Based on the above arguments, it is believed that Claims 1 and 7 are in condition for allowance. While not conceding the patentability of dependent Claims 2-6 and 8-12, these claims should also be in condition for allowance for at least the above reasons. It is respectfully requested that the rejection of Claims 1-12 be withdrawn and the Claims 1-12 be allowed.

Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/EJS/dr